

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE PLATINUM-BEECHWOOD LITIGATION

Master Docket No. 1:18-cv-06658-JSR

MARTIN TROTT and CHRISTOPHER SMITH,
as Joint Official Liquidators and
Foreign Representatives of
PLATINUM PARTNERS VALUE ARBITRAGE
FUND L.P. (in Official Liquidation) and
PLATINUM PARTNERS VALUE ARBITRAGE
FUND L.P. (in Official Liquidation),

Case No. 1:18-cv-10936-JSR

Plaintiffs,

-v-

PLATINUM MANAGEMENT (NY) LLC,
et al.,

Defendants.

**DECLARATION OF JEFFREY C. DANIELS IN SUPPORT OF MURRAY
HUBERFELD'S MOTION FOR SUMMARY JUDGMENT**

I, Jeffrey C. Daniels, declare as follows:

1. I am counsel for defendant Murray Huberfeld in the above-captioned consolidated action. Unless otherwise specified, I have personal knowledge of the facts set forth below.

2. I submit this declaration in support of Mr. Huberfeld's motion, pursuant to Fed. R. Civ. P. 56, for summary judgment dismissing the Second Amended Complaint as against him in the action styled *Martin Trott and Christopher Smith, as Joint Official Liquidators and Foreign Representatives of Platinum Partners Value Arbitrage Fund L.P. (in Official Liquidation) v. Platinum Management (NY) LLC, et al.*, Case No. 18-cv-10936 (JSR) (the "Trott Action").

3. Attached hereto as Exhibit 1 is a true and correct of the Second Amended Complaint (“SAC”) (without exhibits) in the Trott Action.

4. Attached hereto as Exhibit 2 is a true and correct copy of the Second Amended and Restated Operating Agreement of Platinum Management (NY) LLC.

5. Attached hereto as Exhibit 3 is a true and correct copy of The Trust Agreement for the Mark Nordlicht Grantor Trust.

6. Attached hereto as Exhibit 4 are excerpts from the true and correct copy of the transcript of the November 25, 2019 deposition of Murray Huberfeld.

7. Attached hereto as Exhibit 5 are excerpts from the true and correct copy of Murray Huberfeld’s Responses and Objections to Plaintiffs’ Requests for Admissions.

8. Attached hereto as Exhibit 6 is a true and correct copy of the Second Amended and Restated Limited Partnership Agreement of Platinum Partners Value Arbitrage Fund L.P.

9. Attached hereto as Exhibit 7 is a true and correct copy of the Fourth Amended and Restated Investment Management Agreement between, among others, PPVA (and its feeder funds) and PMNY.

10. Attached hereto as Exhibit 8 are excerpts from the true and correct transcript of the December 27, 2019 deposition of Joseph SanFilippo.

11. Attached hereto as Exhibit 9 is a true and correct copy of the Release Agreement between Platinum, Bodner, Huberfeld, Fuchs, Landesman and the Nordlicht Parties.

12. Attached hereto as Exhibit 10 is a true and correct copy of a record reflecting, among other things, the value (in excess of \$13 million) of the Huberfeld Family Foundation, Inc.’s investment in PPVA as of December 31, 2015, bearing bates-number HFF000511.

13. Attached hereto as Exhibit 11 is a true and correct copy of a memorandum, dated March 20, 2016, from Eliot Lauer and Gabriel Hertzberg to Suzanne Horowitz and Harvey Werblowsky regarding Platinum Releases, bearing bates-numbers BODNER00000011-13.

14. Attached hereto as Exhibit 12 is a true and correct copy of Huberfeld's Answer to the SAC.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 14, 2020

/s/ Jeffrey C. Daniels
Jeffrey C. Daniels